

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN ERIC SANDLES,

Plaintiff,

v.

STATE OF MICHIGAN
WAYNE COUNTY CIRCUIT
COURT NO. 12-005068-NM

ERIC L. CLAY, JOHN M. RODGER, JAMES
L. GRAHAM, DEBORAH COOK, R. GUY
COLE, JR., RICHARD ALLEN GRIFFIN
GEORGE C. STEEH, PATRICIA GAEDEKE,
ALICE M. BATCHELDER, STEPHEN J.
MURPHY, SARAH COHEN, MARK GROSS
and John Doe,

USDC, ED MICH SD
CIVIL NO.

Defendants.

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District
Court for the Eastern District of Michigan

John Eric Sandles
Plaintiff Pro Se
7266 Winthrop Street
Detroit, MI 48228

Defendants Sarah Cohen and Patricia Gaedeke, by and through their attorneys, Barbara L. McQuade, United States Attorney for the Eastern District of Michigan, and Jan M. Geht, Trial Attorney, without waiving any defenses of lack of personal jurisdiction, insufficient process, or insufficient service of process, hereby remove this matter from Wayne County Circuit Court (3rd Judicial Circuit) for the State of Michigan to the United States District Court for the Eastern District of Michigan, Southern Division. Removal is made pursuant to 28 U.S.C. §§ 1441, 1442, and 1446.

In support of this removal, defendants Cohen and Gaedeke give notice to the Court and plaintiff as follows:

1. On or about April 13, 2012, plaintiff John Eric Sandles initiated the above-entitled *pro se* action by filing a civil complaint in Wayne County Circuit Court for the State of Michigan. The complaint seeks declaratory and injunctive relief and damages under RICO, 18 U.S.C. §§ 1961 and 1962.

2. This suit arises out of the prosecution of plaintiff on bank robbery charges in the United States District Court for the Eastern District of Michigan. The defendants named in this suit are

- a. Eric L. Clay—judge on the U.S. Court of Appeals for the Sixth Circuit
- b. John M. Rodger[sic]—judge on the U.S. Court of Appeals for the Sixth Circuit
- c. James L. Graham—judge on the U.S. District Court for the Southern District of Ohio.
- d. Deborah Cook—judge on the U.S. Court of Appeals for the Sixth Circuit
- e. R. Guy Cole Jr.—judge on the U.S. Court of Appeals for the Sixth Circuit
- f. Richard Allen Griffin—judge on the U.S. Court of Appeals for the Sixth Circuit
- g. George C. Steeh—judge on the U.S. District Court for the Eastern District of Michigan
- h. Patricia Gaedeke—Assistant United States Attorney
- i. Alice M. Batchelder—judge on the U.S. Court of Appeals for the Sixth Circuit
- j. Stephen J. Murphy—judge on the U.S. District Court for the Eastern District of Michigan
- k. Sarah Cohen—Assistant United States Attorney

1. Mark Gross—Attorney with the United States Department of Justice in Washington, D.C.

3. Although somewhat incomprehensible, the complaint appears to allege that the defendants violated, and conspired to violate, plaintiff's rights by refusing to honor a court order that plaintiff, erroneously, believes constituted a writ of habeas corpus.

4. On April 20, 2012, the plaintiff hand-delivered a summons and copy of the complaint to the front desk of the United States Attorney's Office, where defendants Cohen and Gaedeke are employed. Thus, less than thirty (30) days have expired since receipt by defendants Cohen and Gaedeke of the initial pleading setting forth the claim for relief upon which this proceeding is based.

5. Removal of this action to federal district court is made pursuant to 28 U.S.C. § 1441(a) because it is a civil action brought in a state court of which the district courts of the United States have original jurisdiction.

6. Removal of this action to federal district court is also made pursuant to 28 U.S.C. § 1442(a)(1) because it is a civil action commenced in a state court against officers of the United States sued in their official or individual capacities for or relating to any act under color of such office or on account of any right, title, or authority claimed under any Act of Congress for the apprehension or punishment of criminals. Defendants Cohen and Gaedeke are shielded from plaintiff's suit by prosecutorial immunity. They are also shielded from this suit by the statute of limitations. These federal defenses provide a basis for the removal of this action from state court to federal district court pursuant to § 1442(a)(1). *Mesa v. California*, 489 U.S. 121, 133 (1989).

7. Removal of this action to federal district court is also made pursuant to 28 U.S.C. § 1442(a)(3) because it is a civil action against officers of the courts of the United States, for or

relating to any act under color of office or in the performance of the officers' duties.

8. A copy of this Notice will be promptly served on the plaintiff and filed with the clerk of Wayne County Circuit Court (3rd Judicial Circuit) for the State of Michigan, pursuant to 28 U.S.C. § 1446(d).

9. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon defendants Cohen and Gaedeke are attached.

WHEREFORE, notice is hereby given that the above-captioned action, now pending in Wayne County Circuit Court (3rd Judicial Circuit) for the State of Michigan, is being removed forthwith from state court to the United States District Court for the Eastern District of Michigan, Southern Division, and, upon filing of a copy of this Notice of Removal with the clerk of such state court, the state court shall proceed no further unless or until this case is remanded back to the state court from federal district court.

Dated: May 10, 2012

Respectfully submitted,

BARBARA L. McQUADE
United States Attorney

s/ Jan M. Geht
JAN M. GEHT, Trial Attorney
Attorneys for Defs. Cohen and Gaedeke
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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2012, a copy of Defendants Cohen and Gaedeke's Notice of Removal was served on plaintiff by depositing the same in the United States mail in a postage prepaid envelope properly addressed to:

John Eric Sandles
7266 Winthrop Street
Detroit, MI 48228

By: s/ Lilliana Nicely
LILLIANA NICELY, Legal Assistant
Office of the United States Attorney